



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,214	02/10/2005	Yoichi Yagasaki	240512US6PCT	6424
22850 7590 12/31/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER PHILIPPE, GIMS S				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 12/31/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/524,214

Applicant(s)

YAGASAKI ET AL.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Response to Amendment

1. Applicant's amendment received April 1st, 2005 has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martemyanov et al. (US Patent no. 7,336,720) in view of Ratnakar (US Patent no. 6,256,415).

Regarding claims 1, 6, 10-11, 13 and 18, Martemyanov discloses a video information encoding method and apparatus for encoding a video signal (See Abstract, and col. 3, lines 7-10), comprising first means for applying a predetermined transformation to the video signal to generate a transformed video signal; (See fig. 3, transformation means 58, 60 and col. 24, lines 1-4) second means for applying an arithmetic coding to the transformed video signal (See fig. 3, items 72, 74 and 76 col. 24, lines 31-44); and means for counting a number of pieces of input data and output data in/from said

second means (See fig. 3, item 78); in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be encoded and an encoding process differing from that applied by said first means is applied to the video signal (See col. 25, lines 36-47).

It is noted that although Martemyanov performs a corrective action on the counter to avoid overflow (See col. 25, lines 36-47), it is silent about resetting the counted number of pieces to zero with the means for counting.

However, Ratnakar discloses an encoding apparatus and method wherein the means for counting resets the counted number of pieces to zero (See Ratnakar col. 4, lines 50-57).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Matemyanov's counting means by resetting the counted number of pieces to zero with the means for counting. The motivation for performing such a modification in Matemyanov is to determine the most effective combination of coding techniques to use to produce high quality image to guarantee the desired compression ration as taught by Ratnakar (See col. 4, lines 23-28).

As per claims 8, 12 and 20, Martemyanov discloses a video information decoding method and apparatus for decoding a compressed video signal (See col. 3, lines 40-41), comprising first means for applying an arithmetic decoding to the compressed video

signal to generate an arithmetic decoded signal (See col. 3, lines 41-43); second means for applying a predetermined transformation to the arithmetic decoded signal (See col. 3, lines 44-47); and means for counting a number of pieces of input data and output data in/from said first decoding means (See col. 7, lines 35-38, lines 50-52 and col. 10, lines 53-56); in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be decoded and performs a predefined error processing (See col. 25, lines 44-47).

As per claims 2-3 and 14-15, most of the limitations of these claims have been noted in the above rejection of claims 1, 13. In addition, Martemyanov further disclose applying different encoding parameter to the video signal in the first means resulting in differing the encoding process (See col. 5, lines 38-57).

As per claims 4, 7, 9, 16, 19 and 21, most of the limitations of these claims have been noted in the above rejection of claims 1, 6, 8, 18 and 20. In addition, Martemyanov further discloses a macroblock as the encoding unit (See col. 3, lines 30-32).

As per claims 5 and 17, providing an encoding unit as a slice is considered an inherent feature in Martemyanov because in col. 7, lines 5-10, macroblocks are coded sequentially. A slice is nothing more that a group of macroblocks.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

/G. S. P./
/Gims S Philippe/
Primary Examiner, Art Unit 2621